

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

UNITED STATES OF AMERICA	:	
	:	
v.	:	17-cr-00039-WES-LDA
	:	
REYSEAN WILLIAMS and LEANDRO GOMES	:	

DEFENDANT’S MOTION FOR EXCULPATORY EVIDENCE

NOW COME the Defendants, by and through counsel, who hereby move the Honorable Court to order the Government to disclose all exculpatory and/or impeaching material in the prosecution's possession, custody or control or which is otherwise known to the Government and/or its agents or which may become known to the State and/or its agents through due diligence. Therefore, the Defendants request the Government forthwith provide said information, including but not limited to:

1. All material or information which tends to exonerate the Defendant or which would reasonably tend to show that he did not commit any offense alleged in the Information;
2. All material or information which may serve to mitigate punishment;
3. All material or information which tends to cast doubt on the credibility of any prosecution witness including, but not limited to:
 - a. Any and all records and information revealing prior or subsequent misconduct, unethical conduct, criminal acts or bad acts;
 - b. Records and information that tends to call into question the ability of the witness to observe or recall;
 - c. Prior criminal convictions;
 - d. The witnesses’ parole or probation status;
 - e. Any and all promises, rewards and/or inducements given during the course of the investigation and preparation of this matter by any law enforcement officials, including prosecutors or agents, police or informers, to or on behalf of such witness, or on behalf of a relative of any such witness, or any such consideration or promises expected or hoped for by any such witness, or relative of any witness, at any future time. Such "consideration" refers to anything which arguably could be of value or use to a witness, or relative of the witness, including but not limited to: formal

or informal, direct or indirect, leniency; favorable treatment or recommendations or other assistance with respect to any pending or potential criminal, parole, probation, pardon, clemency, civil, administrative, regulatory, disciplinary or other matter involving the state or federal government or agency thereof, any association, (including legal association), any other authority, or other parties; civil, criminal or tax immunity grants; relief from forfeiture; payments of money, rewards or fees, witness fees and special witness fees; provisions of food, clothing, transportation, legal services, alcohol or drug related rehabilitation services or other benefits; placement in a "witness protection" program; informer status of the witness; letters to anyone informing the recipient of the witness' or the relative's cooperation; recommendations concerning licensing, certification or registration; recommendations concerning federal aid or benefits; promises to take affirmative action to help the status of the witness or co-defendant, or relative of the witness or co-defendant, in a profession, business or employment or promises not to jeopardize such status; aid or efforts in securing or maintaining the business or employment of a witness, or a relative of the witness; and anything else which arguably could reveal any interest, motive or bias of the witness in favor of the prosecution or against the defendant or which could act as an inducement to testify or to color his testimony;

- f. Copies of all indictments, complaints or informations brought against such person by the federal, or any state or local government, all administrative, disciplinary, regulatory, licensing, tax, customs, or immigration proceedings brought by the federal, or any state or local government, or by any regulatory body or association, and, state what counts or actions have been the subject of guilty pleas, convictions, consent decrees, dismissals, or understandings to dismiss at a future date; the date or dates on which pleas of guilty, if any, took place. If the government does not have copies of all indictments, complaints, or proceedings, state the dates and places of arrests, hearings, indictments, and information, the charges brought, and the disposition of those charges or matters so far as it is known to the government;
- g. A written summary of all charges or proceedings which could be brought by the federal, or any state or local government, but which have not or will not or which the witness believes have not or will not be brought because the witness is cooperating with or has cooperated with the government, or for any reason. Include copies of all memoranda of understanding between the government and its witnesses, whether by way of a letter to the attorney for a witness or otherwise;

- h. Any and all statements -- formal and informal, oral or written -- pertaining in any way to the possible or likely course or outcome of any government action -- state or federal, civil or criminal -- or licensing, matters against the witness;
- i. Any and all threats, express or implied, direct or indirect, or other coercion directed against any witness, or against a relative of such witness; criminal prosecutions, investigations, or potential prosecutions pending or which could be brought against any such witness, or relative of such witness; any probationary, parole, deferred prosecution or custodial status of any such witness, or relative of such witness; and any civil, tax court, court of claims, administrative, or other pending or potential legal disputes or transactions involving any such witness, or relative of such witness or co-defendant, and the state or federal government, any agency thereof or any regulatory body or association or over which the state or federal government, agency, body or association has real, apparent or perceived influence;
- j. Records of evidence indicating, mental illness or defect or psychiatric care, drug use, or drunkenness of any prospective trial witness, or any other condition able to affect the witness' ability to perceive or remember the events about which the witness is to give testimony at trial....

The Defendants submit the information requested herein is necessary for a proper defense.

WHEREFORE, the Defendants so move.

Leandro Gomes
By his attorney,

s/MJ Ciresi
Mary June Ciresi
238 Robinson St.
401.455.9600 office
401.447.5715 mobile
401.829.4966 fax
mjciresi@ciresilaw.com

REYSEAN WILLIAMS,
By His Attorney,

/s/ Paul DiMaio
Paul DiMaio, Esq.
215 Broadway
Providence, RI 02903
P: (401) 272-3900
F: (401) 453-1230
pauldimaiolaw@cox.net

REYSEAN WILLIAMS,
By His Attorney,

/s/ J. Dixon-Acosta
J. Dixon-Acosta, Esq.
215 Broadway
Providence, RI 02903
P: (401) 272-3900
F: (401) 234-1367
jadaesq@gmail.com

CERTIFICATION

I hereby certify that this document filed through the ECF system on the 6th day of November 2018 will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Mary June Ciresi